

Scott L. Turner
Avery, Anthonyv. MG Logistics, Inc.

November 26, 2024

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

ANTHONY AVERY,

Plaintiff,

vs.

C.A. NO.: 0:23-cv-00222-JFA

MG LOGISTICS, INC.; K2 EXPRESS, INC.;

AND TQ LOGISTICS, INC.,

Defendants.

VIDEOTAPED

DEPOSITION OF: SCOTT L. TURNER

(APPEARING VIA VIRTUAL ZOOM)

DATE: November 26, 2024

TIME: 10:02 AM

LOCATION OF

THE DEPONENT: 14174 Charthouse Court

Naples, FL

TAKEN BY: Counsel for the Defendant

TQ Logistics, Inc.

REPORTED BY: TERRI L. BRUSSEAU

(APPEARING VIA VIRTUAL ZOOM)

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<p style="text-align: right;">Page 314</p> <p>1 roadside -- FMCSA roadside inspection for NASI, 2 which National -- Out-of-Service -- National -- 3 North American Out-of-Service Criteria. 4 Q. And this is the same as the DOT 5 inspections, annual inspections, correct? 6 A. That's the same as roadside. It's the 7 same as roadside enforcement inspections. 8 That's -- that's all I can tell you. 9 Q. Okay. And -- 10 A. That's what it is. That's what it is, 11 roadside enforcement inspections. 12 Q. And an inspector -- Level 1 inspector 13 or DOT inspector doing inspection for compliance 14 with FM -- Federal Motor Carrier Safety 15 Regulations, it has no duty to fail particular 16 motor vehicle, particular trailer, for lack of 17 diagonal crossbracing or cross-struts, correct? 18 A. No. A -- a roadside inspection that 19 pulls over a commercial motor vehicle that has no 20 struts on landing gear will not be a violation a 21 driver will be told that he can take -- continue 22 going down the road. 23 Q. And same applies -- 24 A. That's the only basis. 25 Q. And same applies to an inspector doing</p>	<p style="text-align: right;">Page 316</p> <p>1 gear? 2 A. Because it didn't have its struts, 3 that's correct. 4 Q. Okay. And even if they looked at the 5 landing gear during DOT inspection, it will be to 6 make sure that, for example, there's no loose items 7 that could separate from the trailer and cause and 8 create a hazard on the road, is that correct? 9 A. Correct. 10 MR. KALWAJTYS: These are all the 11 questions I have. 12 THE WITNESS: Okay. 13 MR. KALWAJTYS: All done? 14 MR. CREECH: Mr. Turner, I'll see you 15 in my dreams tonight. 16 THE WITNESS: Yeah. Good luck with 17 that. That's a horror show. 18 MR. CREECH: Good night, you all. 19 VIDEO TECHNICIAN: I've been asked to 20 take orders for video on the record. Terri, do you 21 also want to take your orders on the record? 22 COURT REPORTER: I'm going to e-mail 23 Jeremy and Drew when it's completed to see if they 24 want a copy and Michal. 25 MR. KALWAJTYS: I don't want a copy of</p>
<p style="text-align: right;">Page 315</p> <p>1 an annual DOT inspection? 2 A. Same thing with an annual inspection, 3 correct. 4 Q. Okay. And -- and a DOT inspector is 5 concerned with the safety of the particular motor 6 vehicle in movement on a public highway, correct? 7 A. I'm sorry, can you say that again? I 8 apologize. I'm sorry. 9 Q. In -- in -- the purpose of DOT 10 inspection of motor vehicles is to make sure that 11 the motor vehicle or trailer, for that matter, is 12 safe for travel on public highways? 13 A. Safe -- it's safe in compliance to go 14 down the road in its -- in its current situ -- 15 state, mechanical state. 16 Q. And that's the reason that landing gear 17 is not the critical component for safety of the 18 trailer when it's on public roadways? 19 A. Well, I don't know -- I don't know if 20 that's the reason. I would just say to you is that 21 it's not part of the inspection criteria. 22 Q. Okay. In other words, K2 Express had 23 no duty to place this trailer out of service during 24 the DOT inspection -- annual DOT inspection because 25 it didn't have a particular design of the landing</p>	<p style="text-align: right;">Page 317</p> <p>1 the video, just the PDF of the transcript. 2 COURT REPORTER: Okay. 3 MR. FOSTER: Same for me. I don't -- I 4 don't need the video. 5 COURT REPORTER: Got you. And, Drew, 6 I'll e-mail you. Do you want a copy of the video? 7 MR. CREECH: No, not right now, but I 8 appreciate it, Miss Terri. If you'll just shoot me 9 an e-mail of your information if I need to make 10 changes down the road. 11 COURT REPORTER: Joel, do you have what 12 you need? It looks like no video copies. 13 VIDEO TECHNICIAN: I have everything. 14 Thank you. 15 COURT REPORTER: And before we go, 16 Alex -- 17 MR. TIMMONS: Hey, Joel. Joel, I -- 18 because I had you -- I'll get a video copy just 19 because I -- I was the noticing attorney. 20 VIDEO TECHNICIAN: Okay. That sounds 21 like a plan. 22 MR. TIMMONS: I'm not going to make you 23 sit here all day and not get one. 24 (Off the record.) 25 VIDEO TECHNICIAN: Real quick. I have</p>

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